

Chapter 16.01

ORDINANCE FOUNDATION

16.01.010 Title.

The ordinance codified in this Title shall be known, cited and referenced to as the “Residential Rental Unit & Lodging Establishment Inspection Program” Title.

16.01.020 Authority.

This Title is adopted by the City pursuant to its authority under the laws of the State of Indiana, the Bloomington Municipal Code (BMC), and all other applicable authorities and provisions of Indiana statutory and common law.

16.01.030 Purpose.

This Title is adopted for the following purposes:

- (a) To ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises used as a residential rental unit.
- (b) To protect the character and stability of the City of Bloomington, particularly its residential neighborhoods and its downtown.
- (c) To assist in the elimination of blight, to promote maintenance of property, and to thereby ensure public health, safety and welfare.
- (d) To regulate and license the commercial business of letting rental properties to ensure the stability of approximately sixty percent of the City’s housing stock.

16.01.040. Jurisdiction.

This Residential Rental Unit and Lodging Establishment Inspection Program Title shall apply to all residential rental units and lodging establishments located within the corporate boundaries of the City of Bloomington.

16.01.050 Severability.

If a section, subsection, sentence, clause or phrase of this Title is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Title.

16.01.060 Applicability.

- (a) The owner shall be responsible for compliance with this Title.

(b) If any provisions in this Title can be construed to be in conflict with provisions of the City of Bloomington Unified Development Ordinance, the more restrictive provision shall apply.

(c) Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Title shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions and all State codes.

(d) The provisions of this Title which apply to the exterior portions of residential rental units may not be mandatory for existing buildings or structures designated by the State or local jurisdiction as historic buildings when the following has occurred:

- (1) The City of Bloomington Historic Preservation Commission fails to issue the building or structure a Certificate of Appropriateness;
- (2) The Director judges the building or structure to be safe; and
- (3) The Director judges noncompliance with this Title to be in the public's interest of health, safety and welfare.

(e) Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, within a residential rental unit or lodging establishment or for the public safety, health and general welfare, not specifically covered by this Title, shall be determined by the Director.

(f) The Director may require documentation from a licensed person or firm, or a person with particular knowledge and skills, to render a determination on strength, stability or proper operation within a residential rental unit or lodging establishment.

16.01.070 Housing and Neighborhood Development Department (HAND).

(a) The HAND Department shall be responsible for the enforcement of this Title.

(b) An official or employee connected with the enforcement of this Title, except one whose only connection is that of a member of the Board of Housing Quality Appeals as established in Title 2, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the maintenance of a residential rental unit or a lodging establishment unless that person is the owner of the residential rental unit or a lodging establishment or has filed a Uniform Conflict of Interest Statement pursuant to Ind. Code Section 35-44-1-3; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the City.

16.01.080 Director.

(a) The Director shall enforce the provisions of this Title.

(b) The Director shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Title; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such

rules shall not have the effect of waiving requirements specifically provided for in this Title or the Indiana Code, or of violating accepted engineering methods involving public safety.